

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD OCTOBER 25, 2007

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**AGENDA**

**WICKS - SPECIAL EXCEPTION USE AMENDMENT - 8171 WEST KL AVENUE -  
(PARCEL NO. 3905-21-430-011)**

**KAISER - REZONING PUBLIC HEARING - 374 S. DRAKE ROAD, 394 S. DRAKE  
ROAD, 424 S. DRAKE ROAD, 454 S. DRAKE ROAD, 468 S. DRAKE ROAD, 540 S.  
DRAKE ROAD, 550 S. DRAKE ROAD, 576 S. DRAKE ROAD, VACANT PROPERTY  
ON S. DRAKE ROAD AND 5015 DRIFTWOOD - (PARCEL NOS. 3905-24-230-010,  
3905-24-230-020, 3905-24-230-040, 3905-24-230-064, 3905-24-230-050, 3905-24-230-  
070, 3905-24-230-080, 3905-24-230-090, 3905-24-230-069 AND 3905-24-226-340)**

**TEXT AMENDMENT- PUBLIC HEARING - RE KENNELS IN THE "I-1" INDUSTRIAL  
DISTRICT**

**QUAIL MEADOWS PUD EXPANSION - CONCEPTUAL PLAN REVIEW**

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A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, October 25, 2007, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Lee Larson  
Fred Gould  
Bob Anderson  
Carl Benson  
Kitty Gelling

MEMBER ABSENT: Deborah Everett

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James Porter, Township Attorney, and approximately seven other interested persons.

**CALL TO ORDER**

The Chairman called the meeting to order at approximately 7:00 p.m. The Planning Commission recited "The Pledge of Allegiance."

## **AGENDA**

The Chairman said the first item for approval is the Agenda. Mr. Larson made a motion to approve the Agenda as submitted. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **MINUTES**

The Chairman said the next item was review of the minutes of October 11, 2007. The Chairman asked if there were any corrections. Hearing none, he called for a motion. Mr. Benson made a motion to approve the Minutes as submitted. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **WICKS - SPECIAL EXCEPTION USE AMENDMENT - 8171 WEST KL AVENUE - (PARCEL NO. 3905-21-430-011)**

The Chairman stated that the next item for review was a special exception use amendment for Charles and Willie Wicks. He said the Planning Commission was being asked to consider an amendment to a previously-granted special exception use for a kennel located at 8171 West KL Avenue, Parcel No. 3905-21-430-011. The Chairman called for a report from the Planning Department. Mr. VanDenBrand submitted his report to the Planning Commission dated October 25, 2007, and the same is incorporated herein by reference.

Mr. VanDenBrand explained to the Commission that the applicant had received special exception use approval in 2004 to operate a dog kennel to house 20 to 24 dogs. He said, however, that there was a restriction that all adoptions be handled off site. He explained that since the applicants had severed their ties with the SPCA, they were seeking an amendment to the special exception use approval to allow the handling of adoptions on site. Mr. VanDenBrand said that based on current rates of adoption of 100 dogs per year, approximately two to eight additional car visits per week would occur. Mr. VanDenBrand then went through the special exception use criteria per Section 60.100, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. VanDenBrand. Mr. Gould asked how close the nearest neighbor was to the facility. Mr. VanDenBrand said approximately 500 feet.

Ms. Gelling asked about access to the site. Mr. VanDenBrand explained the site was accessed by a single drive to KL Avenue. Hearing no further questions, the Chairman then asked to hear from the applicant.

Mr. Charlie Wicks introduced himself to the Planning Commission. He explained that they were no longer working with SPCA, but they wanted to continue their rescue operation. However, in order to effectively perform that function, they truly needed to handle the adoptions on site. He said he expects that there would only be a few cars per week visiting the site in order to accomplish this.

The Chairman asked to hear from the public. No one from the public wished to comment, so the Chairman asked for Planning Commission deliberations. The Chairman asked that the Commission to remember that this item had been previously approved, and that all they were considering was to amend that approval to allow on-site adoptions to occur.

Mr. Anderson asked what downside there would be from on-site adoptions. The Chairman said perhaps the only concern would be increased traffic.

Ms. Gelling asked what the average number of adoptions would be per week. The applicant indicated approximately two.

Ms. Stefforia suggested, if the Commission was very concerned about that issue, it could set a maximum limit of adoptions per week. Ms. Bugge said, as an alternative, they could set a maximum number of adoptions per year in case adoptions are seasonal in nature.

The Chairman called for further discussion, and hearing none, called for a motion. Mr. Anderson made a motion to approve the special exception use with on-site adoptions. He said, given the number of adoptions currently taking place, he did not believe a limitation on the number of adoptions was necessary. Mr. Benson seconded the motion. Ms. Gelling commended the applicants for their efforts. Mr. Larson asked if the Commission was comfortable not placing limitations. Several Commissioners indicated that they were comfortable in not putting a strict limitation on the number of adoptions. Ms. Stefforia reminded the Commission, if there were complaints, as with any special use, the issue could be brought back for reconsideration. The Chairman said he thought that there was sufficient discussion on the record which would indicate that they were generally approving approximately 100 adoptions per year, even though they had not set a strict number limitation. The Chairman said he would entertain a vote on the motion. The motion passed unanimously.

**KAISER - REZONING PUBLIC HEARING - 374 S. DRAKE ROAD, 394 S. DRAKE ROAD, 424 S. DRAKE ROAD, 454 S. DRAKE ROAD, 468 S. DRAKE ROAD, 540 S. DRAKE ROAD, 550 S. DRAKE ROAD, 576 S. DRAKE ROAD, VACANT PROPERTY ON S. DRAKE ROAD AND 5015 DRIFTWOOD - (PARCEL NOS. 3905-24-230-010, 3905-24-230-020, 3905-24-230-040, 3905-24-230-064, 3905-24-230-050, 3905-24-230-070, 3905-24-230-080, 3905-24-230-090, 3905-24-230-069 AND 3905-24-226-340)**

The Chairman said that the next item on the Agenda was a rezoning hearing for property on Drake Road. Ms. Stefforia told to the Planning Commission that some of the property owners within the City had not received notice in compliance with state law. Therefore, the matter would have to be postponed. She suggested postponing the matter until November 8, which would then be consistent with the notices sent out to the property owners within the City of Kalamazoo, as well as the re-notices sent to all other parties.

The Chairman made a motion to postpone the hearing until November 8, 2007. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion. The motion passed unanimously.

**TEXT AMENDMENT- PUBLIC HEARING - RE KENNELS IN THE "I-1" INDUSTRIAL DISTRICT**

The Chairman indicated that the next item on the Agenda was a public hearing on a proposed amendment to the Township's Zoning Ordinance being Section 41, "I-1" Industrial District. The proposal was to add Section 41.407 to include kennels as a special use within the "I-1" District. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report dated October 25, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained to the Planning Commission that they had received a request to consider allowing kennels in the "I-1" District. She explained that the Notice of Public Hearing had included a reference to unplatted areas, but she thought that was not pertinent in the "I-1" District. She did indicate, if this use was added to the "I-1" District, buildings would require 100-foot supplemental setbacks from the side and rear property lines where the "I-1" property abuts agricultural or residential zoning. She said, in addition, Section 75 of the Ordinance would require, at minimum, a 40-foot Type G greenspace between the "I-1" use and the residentially-zoned property. Furthermore, any request would be evaluated under the special exception use criteria. Therefore, she thought this would be a compatible use in the "I-1" District.

The Chairman asked if there was any comments from the proponent of the text change. Ms. Vicki VanDenBerg introduced herself to the Planning Commission. She said she had worked for the SPCA for a number of years and was in charge of looking for additional land upon which to construct a facility for their operations. She stated that

she had looked in other communities in Kalamazoo County and found that kennels were often allowed in light industrial areas, but not in Oshtemo Charter Township. She said she felt that it would be appropriate because, unlike a small kennel, their operation would handle upwards of 1,800 adoptions per year. Therefore, she thought it would be much more compatible in a more intense use area, such as "I-1" Industrial, rather than the AG or Rural Residential Districts.

The Chairman asked if there was public comment. Hearing none, he called for Planning Commission deliberations.

Mr. Larson said that he had a bit of reservation in allowing this use in the "I-1" zone, particularly due to the location of some of the "I-1" zoning in relationship to some of the residential developments within the Township, especially around 8<sup>th</sup> Street. Ms. Bugge pointed out that the proposed condominium on 8<sup>th</sup> Street was actually an industrial condominium development.

The Chairman pointed out that Section 64 required a 100-foot supplemental setback for any property abutting a residential zone. Mr. Larson said he understood. Ms. Bugge pointed out, even if a request was made, the proposal would still have to meet the special exception use criteria in order to be permitted. The Chairman asked if Mr. Larson wanted to see something which was more restrictive than was proposed for under Section 41.407 of the Ordinance. Mr. Larson said he thought that it would be prudent to put in additional restrictions. The Chairman suggested requiring the supplemental setback from any residential uses rather than residentially-zoned property. Ms. Stefforia said she did not believe that they could actually make that change at this time because it was not noticed for public hearing. Attorney Porter concurred. Mr. Larson stated, even though they could not do it at this time, he thought they should look at this issue in the very near future.

The Chairman asked Ms. Gelling what her opinion was. She said she thought it would be an appropriate use. Mr. Larson said he thought it would be an appropriate use and that he would like to see it in the "I-1" zone, but he would like the suggested text change addressed in the near future. Mr. Larson made a motion to recommend the text change as submitted with the exception of the language, "in unplatted areas," to the Township Board. Mr. Gould seconded the motion. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

### **QUAIL MEADOWS PUD EXPANSION - CONCEPTUAL PLAN REVIEW**

The Chairman said Item #8 was a conceptual plan review for Quail Meadows PUD. He explained that the Planning Commission was being asked to conduct conceptual plan review of a proposed expansion of the Quail Meadows Planned Unit Development to incorporate approximately 13.6 acres of adjacent property owned by

Educational Community Credit Union. Ms. Stefforia submitted her report to the Planning Commission dated October 25, 2007, and the same is incorporated herein by reference.

Ms. Stefforia explained that Quail Meadows had begun development in 1995 when it was owned by United Homes. She explained that, in 2002, the current owner took over the development and that in 2006, Phase 6 was approved. However, because it was not commenced within one year, the approval had expired. She said, in the interim, the Planning Commission was being asked to look at not only the renewal of Phase 6 site plan and special exception use, but look at it with the addition of the 13.6 acres owned by the ECCU. Ms. Stefforia then proceeded to take the Commission through the conceptual plan review as outlined under Section 60.470A(2) as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Stefforia. Hearing none, he said he would like to hear from the applicant.

Mr. Greg Dobson, on behalf of American Village Builders, introduced himself to the Planning Commission. He said he was there along with Jack Gesmundo, Craig Johnson of Larry Harris & Associates, and John Rambo, their architect. He said, in addition, Chuck and Tammy of the Educational Community Credit Union were in attendance.

Mr. Dobson gave a historical review of the proposed development. He said that Phase 6 had been delayed due to the slowness in the housing market. In the interim, he said they had decided to partner with ECCU to create a campus-like setting for their development in a manner compatible with the overall residential development planned by AVB. Mr. Dobson reviewed the proposed expansions for ECCU, including the addition to the existing ECCU building, the other existing building on their campus and a proposed future structure.

Mr. Dobson said he thought that the street issues raised by Staff were important and did need to be addressed, but he did not believe that there needed to be a direct street between the ECCU campus and the residential development. He stated that he thought the desired connection was being provided by the connection to Quail Run Drive and 9<sup>th</sup> Street.

Mr. Dobson indicated, with regard to timing, they wanted to start the ECCU expansion as soon as possible. He said the residential development would depend upon the market. He stated that they were willing to discuss access from Quail Run in order to address the concerns raised by Planning Staff. He said he thought parking was in compliance with the Ordinance, but they would be willing to take input on that issue.

The Chairman opened the floor for questions of the applicant. The Chairman began by asking if the expanded parking along 9<sup>th</sup> Street was the portion of parking which would be encroaching into the setback area. Ms. Stefforia said generally yes.

The Chairman asked if the applicant could move that parking to the northeast and hook the drive around the building. Mr. Dobson said he did not believe that would be possible due to the grade in the area. He also said it would result in a loss of a large number of trees.

Mr. Larson stated that it appeared that there was a great deal of parking, and he was concerned about having so much of the area paved. Mr. Dobson said he raised an important question, and certainly they could take a look at it, but he thought it was done according to the Township's Ordinance. Ms. Stefforia said they could defer some of the parking if they felt it was not needed, as long as there was area for parking to be developed in the future, if necessary.

The applicant indicated that they would only build what they believed or the Planning Commission felt was absolutely necessary. The applicant indicated that the area south of the ECCU is reserved for a stormwater easement for the County and possibly the Township. Attorney Porter expressed concern about that issue, and requested additional information, since he did not believe the Township should be retaining any stormwater easements.

Ms. Gelling asked if there had been a traffic study. Mr. Dobson said that a study had not been done, and he did not think it was necessary since they would only be moving their administrative offices to the location and that the ECCU was not actually itself expanding.

Ms. Stefforia pointed out that the Road Commission was asking the Township to participate in a traffic study for the light at the intersection of 9<sup>th</sup> Street and Quail Run. Ms. Bugge said she thought one of the ways to improve traffic flow in the area would be to have the access point on Quail Run from the Credit Union to be a two-way drive rather than just an exit.

Mr. Larson questioned why so much additional parking was needed if the branch was not actually expanding for customers. Mr. Gould stated when he was there that the parking currently seemed to be quite limited. Mr. Larson indicated that was not his experience.

Mr. Larson asked if the developer was committed to not cutting additional trees on the site until having a firm site plan. Mr. Larson stated he was concerned that some developers just clear-cut a site and then they deal with landscaping later. Mr. Dobson assured the Planning Commission that their company did not operate in such a manner, nor did the ECCU.

Ms. Stefforia said that her primary concern was that they not cut trees in the southeast portion of the intersection for greater visibility in the future. Again, Mr. Dobson said that they would attempt to maintain as many trees on the property as possible.

Mr. Benson asked about the existing building, its height and approximately how far the building is going to be extended. Mr. Dobson asked Mr. Rambo to comment on the building design. Mr. Rambo explained that the building would be extended to the north and it would be two stories high with a walkout basement. He explained that the overall highest point of the building would be approximately 36 feet.

The Chairman asked if there were any more questions. Hearing none, he called for public comment. Mr. Craig Courtland introduced himself to the Planning Commission. He said he was concerned about traffic flow in the area, particularly the exit from the drive-through. He said he was also concerned about how the facility would appear at the time 9<sup>th</sup> Street is widened.

The Chairman asked if there was any further public comment, and hearing none, closed the public portion of the meeting. The Chairman called for Planning Commission deliberations.

The Chairman began by asking the Planning Staff how far 9<sup>th</sup> Street was going to be expanded to three lanes. Ms. Stefforia said it would be expanded to three lanes from Merriam Meridian to the south and north to KL Avenue.

The Chairman said his comments on conceptual plan review were as follows: First, he said he was concerned about the amount of parking, and particularly the parking within the setback area. He said he would oppose such a proposal. He said he was concerned about traffic and hoped that the developer would work to try to minimize that overall impact. He said he did not have concerns about the height of the proposed building or the overall PUD proposal, which included ECCU's development. The Chairman stated that he appreciated Staff's comments about sidewalks along 9<sup>th</sup> Street and Quail Run. He also said he agreed with Staff's recommendation that the drive onto Quail Run be upgraded.

Mr. Larson said that he would like to see some of the area reworked, particularly with regard to the drive coming onto Quail Run. He stated that he was also not in favor of the parking along 9<sup>th</sup> Street within the setback area. Mr. Larson also said that he would like to see some type of connection, not necessarily a road, but some kind of connection between the housing development and the ECCU campus itself.

The Chairman asked Mr. Larson if that connection could be a pedestrian connection. Mr. Larson said perhaps.

The Chairman asked if Mr. Larson was comfortable with the height of the proposed building. Mr. Larson said he thought the height looked alright since ECCU's property was generally below grade.

Ms. Gelling said that her biggest concern was the traffic in the area. She said she thought the applicant should do what they could to minimize negative impacts of traffic

by providing a better traffic pattern through the proposed development itself. She also stated that she would like to see the applicant maintain as many of the trees on the property as possible.

Mr. Larson said, in addition to his earlier comments, that he would like to see the applicant reduce the parking or paved area and reserve an area for parking in the future, if necessary.

Ms. Bugge again reiterated her concern about having two-way traffic onto Quail Run to alleviate all of the traffic needing to enter from 9<sup>th</sup> Street. The Chairman and Mr. Larson concurred with her.

Mr. Gould said he would like to encourage the Township to be a participant in the traffic study at 9<sup>th</sup> Street and Quail Run because of the level of traffic at 9<sup>th</sup> Street and KL, as well as 9<sup>th</sup> Street and Quail Run.

Mr. Gould said he appreciated comments about a two-way drive off of Quail Run from ECCU.

The Chairman asked for further input on the conceptual plan. Mr. Benson said he always appreciated the natural surroundings of the Credit Union and hoped that whatever they did to the property would not alter the pastoral setting which they had developed over the years.

Mr. Anderson said his major concern was that traffic be addressed to minimize impact on an already busy 9<sup>th</sup> Street.

The Chairman said he hoped that their comments had helped with the conceptual plan review and looked forward to seeing the site plan in the near future.

### **Public Comment on Non-Agenda Items**

None.

### **Any Other Business**

None.

### **Planning Commissioner Comments**

Mr. Gould asked about how the Township was addressing the issue of the gravel pit to the north. Attorney Porter explained to the Planning Commission the current ruling by the Circuit Court and the progress which the Township was making in implementing the Township-wide Truck Route Ordinance, which would assist in generally protecting the residents from truck traffic, as well as possible traffic from a future gravel pit.

**Adjournment**

There being no other Commissioner comments, the Chairman called for an adjournment of the meeting at approximately 8:40 p.m.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By: \_\_\_\_\_

Minutes prepared:  
November 1, 2007

Minutes approved:  
\_\_\_\_\_, 2007